

REMARKS

The Final Office Action dated July 27, 2007 contained a final rejection of claims 1-3, 5-31, 33 and 38-47. The Applicant has amended claims 1, 9, 18, 24 and 38. Claims 1-3, 5-31, 33 and 38-47 are in the case. Please consider the present amendment with the attached Request for Continued Examination (RCE) under 37 C.F.R. § 1.114. This amendment is in accordance with 37 C.F.R. § 1.114. Reexamination and reconsideration of the application, as amended, are requested.

The Office Action rejected claims 1-3, 5-8, 18-31, 33, 43 and 45-46 under 35 U.S.C. § 103(a) as being unpatentable over Bastiani et al. (U.S. Patent No. 6,442,628) in view of Konishi et al. (U.S. Patent Publication No. 2002/0003576). The Office Action rejected claims 9-17, 38-42, 44 and 47 under 35 U.S.C. § 103(a) as being unpatentable over Konishi et al. in view of Bastiani et al.

The Applicants respectfully traverses these rejections based on the amendments to the claims and the arguments below.

The Applicants' have amended the independent claims to include establishing an image and video quality of data streaming rate, wherein a data streaming rate below a predetermined quality of image and video data threshold causes a data transfer error, for maximizing the image and video quality of data that can be streamed to the external memory medium. Support for these amendments can be found throughout the specification and at least in FIGS. 1-3 and 6-7 and paragraphs [0016] and [0018] of the Application specification (U.S. Patent Publication No. 2005/0216618).

In contrast, the Bastiani et al. and Konishi et al. references, in combination or alone, do not disclose, teach or suggest the Applicants' claimed invention. Although the combined references disclose thumbnails for display purposes only (see Abstract and paragraph [00127] and FIG. 1 of Konishi et al.) and a test data pattern for testing signal transmission of the bus at maximum data throughput (see col. 3, lines 57 through col. 4, line 1-5, of Bastiani et al.), the combined references are clearly missing the Applicants' claimed establishing an image and video quality of data streaming rate, wherein a data streaming rate below a predetermined quality of image and video data threshold causes a data transfer error, for **maximizing the image and video quality of data** that can be streamed to the external memory medium.

Serial No.: 10/811,119
Attorney Docket No.: 200310583-1

Therefore, Bastiani et al. when combined with Konishi et al., do not disclose, teach or suggest the Applicants' newly claimed features. Hence, unlike the combined references, these claimed features allow, for example, automatic customization of a digital camera's use of its memory cards, which is important if a user has memory cards with different speeds.

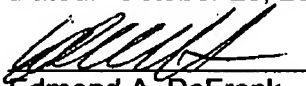
Therefore, among other things, the combined references do not disclose, teach or suggest all of the Applicant's claimed features. Hence, since the combined references are missing features of the Applicant's claimed invention, the combined references cannot render the Applicant's invention obvious. This failure of the cited reference to disclose, suggest or provide motivation for the Applicant's claimed invention indicates a lack of a prima facie case of obviousness and, thus, the rejections should be withdrawn (MPEP 2143).

With regard to the rejection of the dependent claims, because they depend from the above-argued respective independent claims, and they contain additional limitations that are patentably distinguishable over the cited references, these claims are also considered to be patentable (MPEP § 2143.03).

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicant kindly requests the Examiner to telephone the Applicant's attorney at (818) 885-1575. Please note that all mail correspondence should continue to be directed to:

Hewlett Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

Respectfully submitted,
Dated: October 29, 2007


Edmond A. DeFrank
Reg. No. 37,814
Attorney for Applicant
(818) 885-1575 TEL
(818) 885-5750 FAX